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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,299	12/12/2003	Chao-Lin Chen	MR1111-1209	2521
4586	7590	09/15/2005	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			AYRES, TIMOTHY MICHAEL	
			ART UNIT	PAPER NUMBER
			3637	
DATE MAILED: 09/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/733,299	Applicant(s) CHEN, CHAO-LIN	
	Examiner Timothy M. Ayres	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 12/12/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This is a first office action on the merits of application SN 10/733,299.

Specification

1. The abstract of the disclosure is objected to because of minor informalities. The word "cram" appears four times on lines 6 and 8 and should be "cam".

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

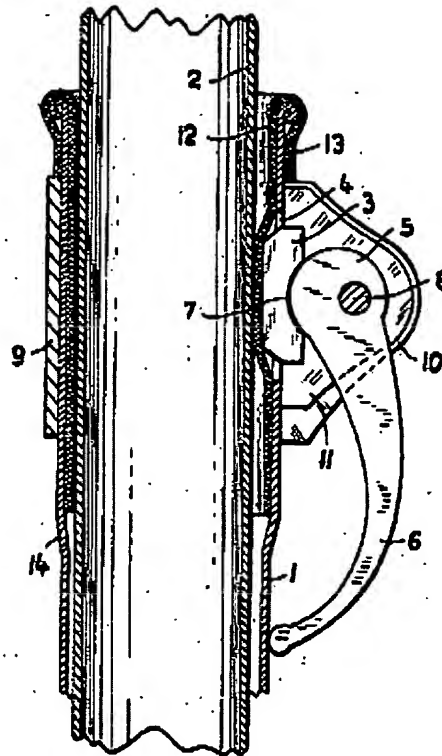
1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2,817,548 to Uthemann. Uthemann '548 discloses an adjustable fixture for an umbrella that has an inner rod (2) and an outer rod (1). A sleeve (9) is attached to the outer rod (1) so that inner rod is slidable within the outer rod (1). A cam handle (6) is pivotally attached through a pin (8) to connecting walls (10) that boss out of the sleeve (9). A block (3) has a recess (7) where a cam (5) on the end of the cam handle (6) urges the block (3) through holes (4) into a location to tighten the inner rod (2) in a secure position. A resilient member (12) is on the inner face of the outer rod (1) so that when the block (3) is engaged it lifts off of the inner face of the outer rod and makes

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contact with the inner rod (2). When the cam (5) is withdrawn the resilient member (12) acts as a spring and withdraws the block (3) back with the cam (5) so that the inner rod (2) is free to slide. Therefore it can be seen in figure 1 below that the resilient member (12) is functional equivalent to the springs recited in the claim.

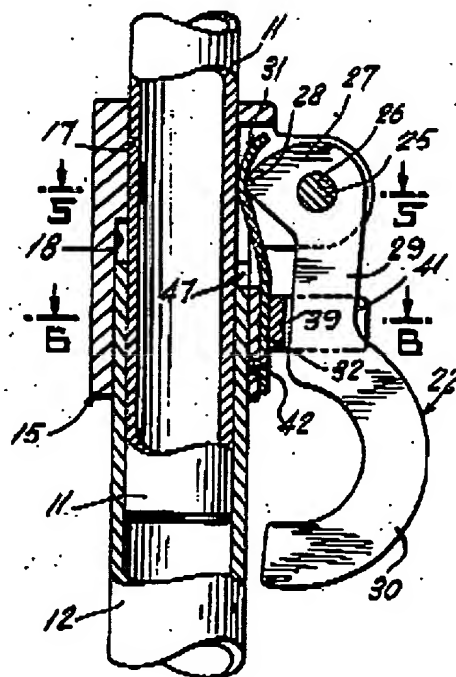


Uthemann '548 Figure 1

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2,849,249 to Fridolph in view of U.S. Patent 2,817,548 to Uthemann. Fridolph '249 discloses an adjustable fixture for an umbrella that has inner rod (11) and an outer rod (12). The outer rod (12) is inserted within the sleeve (15). The inner rod (11) is inserted within the outer rod (12) in a slidable manner. The sleeve (15) has a connecting

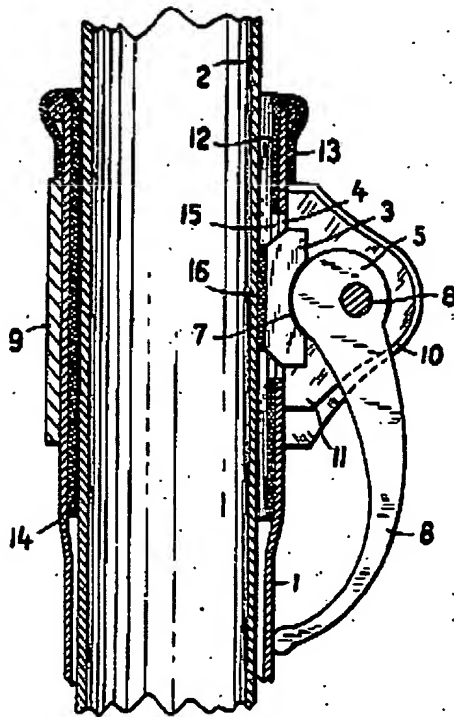
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wall (23,24) bossing out from one side of the sleeve (15). The sleeve (15) has holes (19) on the same side (15) that the connecting wall (23,24) is exposing from. A cam handle (22) has a cam (27) at one end. The cam (27) being pivotally connected to the connecting wall (23,24) by a pin (25). A spring (31) is connected to the sleeve (15) and outer rod (12) so that when the cam handle (22) is in the released position the spring (31) is biased away from the inner rod (11) so that the inner rod (11) is free to move as seen in figure 4. When the cam handle (22) is in the engaged position, the spring (31) is urged by the cam (27) into a position in contact with the inner rod (11) and thus tightens the inner rod (11) in a secure position as seen in figure 3. The claim calls for springs, but Fridolph only shows one spring. Fridolph's spring (31) would be functionally equivalent to the multiple springs recited in the claims.



Fridolph '249 Figure 3

4. Fridolph '249 does not expressly disclose a block located between the cam and the holes so that the block is urged into a position to secure the inner rod. Uthemann '548 discloses an adjustable fixture for an umbrella that has an inner rod (2) and an outer rod (1). A sleeve (9) is attached to the outer rod (1) so that inner rod is slidable within the outer rod (1). A cam handle (6) is pivotally attached through a pin (8) to connecting walls (10) that boss out of the sleeve (9). A block (3) has a recess (7) where a cam (5) on the end of the cam handle (6) urges the block (3) through holes (4) into a location to tighten the inner rod (2) in a secure position. A resilient member (16) is on the edge of the block (3) that is in contact with the inner rod (2) as seen in figure 2 below.



Uthemann '548 Figure 3

5. At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the adjustable fixture of Fridolph and add the block of Uthemann to improve the camming or gripping effect and to minimize damage to the spring and inner rod.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 6,142,699 to Pao discloses an adjustable fixture for two rods with a cam and a block. U.S. Patent 6,032,908 discloses an adjustable fixture with a cam and a spring. U.S. Patent 5,152,495 to Jacinto discloses an umbrella with an adjustable fixture with a cam handle. U.S. Patent 4,850,564 to Padin discloses an umbrella holder that uses a cam handle. U.S. Patent 4,185,936 to Takahashi discloses an adjustable fixture for two rods that has a cam and a block. U.S. Patent 4,029,279 to Nakatani discloses an adjustable fixture for tow rods that has a cam and a block. U.S. Patent 2,628,797 to Campomar discloses a beach umbrella that uses a cam handle. U.S. Patent 371,652 to Witherell discloses an umbrella with a cam handle used to make a secure position for the inner rod.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-FRI 8:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TMA
9/8/05



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